

## **A BORDER SECURITY DILEMMA: THE DANGER OF CHAOS AND CLUTTER**

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### **ABSTRACT**

Mass migration due to civil wars, economics, and persecution has mobilized people more than ever to transit to other countries while circumventing established immigration laws and procedures. The notion of mass migration is not a new concept, but the intensity of the current political discourse surrounding the topic is considerably strong. In the United States there has been a strong movement to enforce immigration laws while securing its external boundaries from nefarious entities who wish to bring in illicit cargo and harm. Unfortunately, border security entities struggle to identify illicit actors in an environment that is filled with legitimate border trade and travel actors. The sheer volume creates chaos and clutter making any enforcement action less effective. This article examines the concept of chaos and clutter of one of the most researched borders, the southwest border of the United States, to argue that chaos and clutter must be addressed in any border security strategy.

**Keywords:** Border Security, Problem Framing, Homeland Security, Immigration, and Transnational Criminal Organizations

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## **INTRODUCTION**

The notion of immigration in the United States ebbs and flows in approach to the point national policy has been likened to a revolving door, sometimes welcoming people in, sometimes aiming to keep them out (Andreas, 2009). The past thirty-five years have generally seen policy movements to close the door and the hardening of U.S. immigration policy that has drastically increased resources to strengthen border security. The idea of controlling U.S. external borders has largely been based on immigration concerns not border security threats. So, for most of U.S. history it has been important that we control the external borders, but not essential. An example of the border enforcement policy sentiment prior to the terrorist's attacks of September 11, 2001 was exhibited by the significant border enforcement improvements in locations such as El Paso, Texas and San Diego, California. The focus of the enforcement efforts was to combat mass migration issues rather than border security problems. Illegal immigration, at the time, had not reached a nexus to homeland security, so it was not important to public policy but rather viewed as a public nuisance (Alden, 2012).

Although none of the known terrorists involved with the attacks of 9/11 is thought to have entered the United States illegally, yet the events of that day marked a significant shift from illegal immigration to border security. The fact the terrorists were foreign nationals became a concern for 'middle America' changing the political drive from an illegal immigration issue to a homeland security concern (Andreas, 2009). This ideological shift marked the point where most of America started to understand that illegal immigration was part or an element under the larger umbrella of homeland security. The ideological shift was clearly indicated in public policy with an emphasis that became more critical of the condition of the United States' external borders. The criticism was the result of an acknowledgment that border security was not only comprised of illegal immigration and illegal narcotics, but rather those two activities were symptoms of a porous border (Chertoff, 2009).

The border security mission aims to provide low risk to national and public security, by having a high probability of detection of illegal activity coupled with a high probability of interdiction. Threats and vulnerabilities are identified, prioritized, and targeted in order to reduce the criminal element's critical requirements and capabilities to operate effectively (Manjarrez, 2015). Border security policy along the southwest border of the United States is often confused with immigration policy because the history of both are intertwined and an emotional topic of debate. Although illegal immigration and border security are two distinct and separate issues, they both clearly impact and influence each other.

When a section of the border is not effectively managed due to overwhelming illegal mass migration opportunistic criminals tend to exploit the chaotic and cluttered environment created by the intensity, volume, and speed of legitimate and illegitimate activity (Bersin, 2012; Manjarrez, 2017). Criminal elements understanding that law enforcement entities can be overwhelmed by the sheer number of illegal entrants seize the opportunity to 'blend in' with legitimate trade and travel activity. The ability to 'blend-in' provides criminal organizations the prospect of operating in plain sight of law enforcement entities with a lower risk of being detected and interdicted. Therefore, the intent of this essay is to offer the notion that chaos and clutter produced by legitimate and illegitimate actors along the U.S.-Mexico border reflects a complex environmental border security system. Each dimension of border security (e.g. immigration, legitimate and illegitimate trade and travel, illegal narcotics, transnational criminal organizations, and counterterrorism) are independent considerations and are meaningful in their own right, but ultimately in a border security context, they are indistinguishable from each other. By providing a more comprehensive picture of the environment in which border security takes place, this article seeks to deepen existing knowledge on how the activities within a border security system interact.

## **BORDER SECURITY OBJECTIVE**

The concept of border security is an emotional topic that is further exacerbated by the fundamental challenge of defining the term and the related operational missions. In the last three decades it is clear that any assessment of the security of an external border is assuredly going to depend on the outlook of the individual or organization. The terrorists' attacks of September 11, 2001 reframed border security into a national security imperative (Haddal, 2010). The mandate to secure the border was made in unqualified terms, which was extraordinary relative to past expectations. The Secure Fence Act of 2006 (Public Law 109-367) is demonstrative of this new sentiment. Congress used the term 'operational control' in the legislation to help contextualize what the aim was for border security (Manjarrez, 2017). The term is broadly defined as 'the prevention of all unlawful entries into the United States'. The definition has proven to be problematic since any entry of any unlawful person or contraband is a failure of successful border security. The definition is entrenched in the idea that border security is the simple defense of a static and demarcated line.

None the less there are clear objectives in securing the external borders of the United States (Chertoff, 2009). Prior to September 11, 2001, the United States focused border security efforts on the traditional missions of stopping both the illegal entry of migrants and the smuggling of illicit contraband into the United States. As an outcome of the 9/11 terrorists' attacks, a new counterterrorism mission was added to the existing objectives rather than supplanting them. In all practicality, the three mission objectives are interwoven under the principle that the locations, pathways, and techniques for individuals and contraband to enter the United States illegally, whether for economic, criminal, or terrorist motives, overlap (Lewandowski et al., 2017). Accordingly, aiming to prevent illegal border entries into the United States is designed to fulfil all three-mission objectives. By extension, this focus also serves goals that receive less attention, such as preventing the movement of bulk U.S. currency, stolen goods, protected technologies, and intellectual property violating goods

from crossing the border. Under these conditions border security functions are bounded by time and framed by the intensity, volume, and speed of both legitimate and illegitimate activity.

## **COMPLEXITY AND DYNAMICS OF BORDER SECURITY**

The flow of legitimate and illicit cross border activity does not exist in a constant state, but rather ebbs and flows. Unpredictable challenges continually create complex conditions and disruptions (chaos and clutter) to border security, such as severe periods of mass migration. For example, the southwest border of the United States realized an extraordinary rise in credible fear (asylum) claims by individuals crossing this land border alone, increasing from 55,584 in 2017 to 92,959 in 2018 (USCBP, 2019). In fiscal year 2019 (October 2018 – September 30, 2019) that number rose to a staggering number of over 575,000 credible fear claims. Given the legal requirements and policies associated with the administrative processing of credible fear claims, such mass migration requires considerable amount of personnel and thereby reduces the capacity of U.S. Customs and Border Protection (Office of Field Operations and U.S. Border Patrol) to effectively detect, classify, respond, and resolve the more serious threats (NCBSI, 2014). Clutter can also be created by more assertive actors along the border. Homicides related to organized crime in Mexican states along the border increased from 1,152 in 2006 to over 12,000 in 2017 (Calderon et al., 2018). The level of violence and narcotic smuggling brings state and local law enforcement agencies along the border into a border security nexus as their communities are likely impacted by the illicit activity.

While the dynamics of mass migration and transnational criminal organizations continually challenge the means and ways to secure the border they pale in comparison to the intensity and volume of activity (clutter) generated by legitimate trade and travel across the southwest border. In 2018 United States goods and services with Mexico totalled approximately \$611.5 billion (USCB, 2019), across the 52 land and bridge ports-of-entry. Mexico is the third largest trade partner of the United States only after China and

Canada. The U.S. Department of Transportation reports over 6.2 million commercial trucks, 11 thousand trains, nearly 80 million passenger vehicles, and over 42 million pedestrians entered the United States from Mexico in 2018 (USBTS, 2019). The level of activity through the designated ports-of-entries create an immense amount of chaos and clutter which to sift through in order to detect and classify unauthorized entries of individuals and contraband. Furthermore, there is a substantial amount of pressure from political officials and the business community from both in the United States and Mexico to facilitate the rapid movement of goods and people through these ports-of-entry (Ireland, 2009; Jones & Seghetti, 2015). The pressure in turn further compresses the law enforcement window to detect and classify any potential threats entering the United States.

Collectively, the overwhelming flow of legitimate trade activity, along with legal and illegal movement of individuals across the border, creates a level of chaos and clutter that disrupts the ability of CBP to identify and focus on more serious threats (drug trafficking organizations and terrorist activity) to border security (Manjarrez, 2017). The underlying principle of this reasoning is transnational criminal and terrorist organizations will exploit the ability to hide their activity in large volumes of legitimate trade and travel activity. Even within the large illicit flow of what is generally considered less serious, illegal economic migrant entries into the United States, criminal organizations will embed more serious violations and border security concerns (Lewandowski et al., 2017).

The issues of trade, travel, narcotics, and illegal immigration also highlight the challenges posed by multiple agencies having overlapping law enforcement roles along the southwest border. While both the U.S. Border Patrol and the Office of Field Operations are under the U.S. Customs and Border Protection agency these two entities largely operate independently in their day-to-day functions. In addition, there are federal agencies that have overlapping jurisdictional boundaries or operations along the border that have actual or potential contact with unauthorized incursions, such as Homeland Security Investigations, Federal Bureau of Investigation, Drug Enforcement Agency, U.S. Fish and Wildlife Service, U.S. Forest Service, and the Bureau of Land Management (Haddal et al., 2009). The southern

border operational space of the U.S. Border Patrol also has jurisdictional overlap with four state law enforcement agencies, 27 sheriff offices, and numerous local law enforcement agencies on or near the border that have convergent concerns and enforcement responsibilities (USGAO, 2013). Lastly, there have been repeated deployments of the National Guard on the southwest border since the 1980s to support counter narcotic efforts (Richiter & Garza, 2015).

The complexity of missions, sources of clutter, and overlapping jurisdictional responsibilities reflect a more complicated picture of border security than a simple static defense of a line on a map. Along the border, the interrelationship of different processes and their contextual variation shape the border security environment. The shaping forces evoke responses from the variables within the border security environment that create operational challenges because each layer within the border security environment has different properties and responds differently. Recognizing the many facets of a border security environment helps us understand the potential responses and consequences. The complexity of border security no longer allows us to view it as a singular process in isolation, but rather the result of a series of complex legitimate and illegitimate interactions within a border environment.

The competing and conflicting demands from turbulent external sources impacting legitimate and illegitimate activity produces an environment that makes it difficult for law enforcement entities to identify criminal threats and organizational vulnerabilities at the speed required that does not hinder legitimate trade and travel. Moreover, the pursuit of border security objectives across a number of overlapping entities is further complicated by local, national and global settings in which they exist. Border security functions, over time, are impacted by non-operational settings (social, cultural, political, and economical) that may not directly influence the agencies performing the duties, but certainly create additional layers of clutter that must be deciphered. The complexity as the result of the multitude of legitimate and illegitimate interactions among a large number of system components with numerous variables create a level of clutter and chaos that make any border security process challenging and at risk for failure.

Understanding the unique variations created by the chaos and clutter provides valuable insight into the interactions; highlight unexpected dynamics and characteristics of a border security environment.

## **CONCLUSION AND POLICY IMPLICATIONS**

The current issue of mass migration experienced by nations around the world is not new and has been studied in the United States in earnest the last 40 years. What is new to the United States and is consistent with what the European community is experiencing is the type and frequency of mass migration occurring. During 2018 and almost all of 2019 the United States realized a significant high level of non-Mexican nationals seeking entry by claiming a prima facie case for asylum. The sheer number of credible fear claims has created a mass migration event shrouded in chaos and clutter that has overwhelmed border security efforts. Although illegal immigration and border security are two different and divergent issues facing the United States, both issues undoubtedly have substantial bearing and impact on each other. Understanding the complexity of the issue hinges on understanding the correlation between illegal immigration and border security. The basic premise is that opportunistic criminal elements will exploit border areas that have overwhelming legitimate and illegitimate clutter. The same chaos and clutter also becomes an area that is vulnerable to exploitation by terrorist organizations. The ‘masking’ effect becomes the real threat of an uncontrolled border. Understanding the dynamic becomes the framework to develop possible solutions to address ‘border clutter.’ Thus, reducing border security risk.

There are two important policy implications given the review of the issue of border chaos and clutter. First, a better understanding of licit and illicit border actors can improve our understanding of the pressures on the border and the reactions to the pressures. At a time of political turmoil due to the issues of mass migration, border security entities will seek to identify and improve efficiencies to confront the hidden threats masked within the chaos and clutter. Border security practitioners and policy makers should



aim to improve situational awareness (clarity) to what is occurring so that the upper tier threats (transnational criminal organizations and terrorists) cannot exploit the chaos and clutter. Second, viewing border security through a lens that takes into account the clutter of legitimate and illegitimate activity allows us to organize data into patterns that we can interpret and understand shaping pressures, and then act with consequence. The improved understanding could potentially manifest itself at three distinct levels. First, a deeper strategic level of understanding would provide a global understanding of the push and pull factors influencing border security. Policy and agency decision makers could re-evaluate long-term planning. Second, operational level components would be able to recognize, sooner, subtle nuances to operational changes. An earlier recognition of changes could provide the forewarning to reallocate resources to mitigate crisis levels of mass migration. Lastly, viewing border security through a chaos clutter lens provides an exploratory conceptual framework in which to conduct research in order to help grow the academic literature on border security.

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Dr. Victor M. Manjarrez, Jr., is the Director of the Center for Law & Human Behavior at the University of Texas at El Paso. The Center is recognized internationally for its applied research in support of the homeland security enterprise. Dr. Manjarrez (retired Chief Patrol Agent) served for more than 20 years in the U.S. Border Patrol and filled key Senior Executive Service operational roles both in the field and at headquarters over the course of his extensive homeland security career. Many of his innovative

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## REFERENCES

- Alden, E. (2012). "Immigration and Border Control." *Cato Journal*, 32(1): 107-124.
- Andreas, P. (2009). *Border Games: Policing the U.S.-Mexico Divide* (2<sup>nd</sup> ED). Ithaca, New York: Cornell University Press.
- Bersin, A. (2012). "Lines and Flows: The Beginning and End of Borders." *World Customs Journal* 6(1): 115-126.
- Calderon, L. Ferreira, O.R., & Shirk, D.A. (2018). "Drug Violence in Mexico: Data and Analysis through 2017." *Justice in Mexico*: University of San Diego, CA.
- Chertoff, M. (2009). "Tools against Terror: All of the Above." *Harvard Journal of Law and Public Policy*, 32(1): 219-229.
- Haddal, C.C. (2010). "Border Security: The Role of the U.S. Border Patrol." *Congressional Research Service*: Report Number RL32562.
- Haddal, C.C., Kim, Y., & Garcia, M. (2009). "Border Security: Barriers along the U.S. International Border." *Congressional Research Service*: Report Number RL33659.
- Ireland, R. (2009). "The WCO SAFE Framework of Standards: Avoiding Excess in Global Supply Chain Security Policy (WCO Research Paper No. 3)." *Global Trade and Customs Journal*, 11(12): 341-352.
- Jones, V. & Seghetti, L. (2015). "U.S. Customs and Border Protection: Trade Facilitation, Enforcement, and Security." *Congressional Research Service*. Report Number R43014.
- Lewandowski, C.I, Rojek, J., & Manjarrez, Jr. V.M. (2017). "Using a Fusion Center Model to Manage Clutter and Improve Border Security." *Journal of Applied Security Research*, 12(1): 160-178.

- Manjarrez, Jr. V.M. (2015). "Border Security: Defining it is the Real Challenge." *Journal of Homeland Security and Emergency Management*, 12(4): 793-800.
- Manjarrez, Jr. V.M. (2017). "Chaos and Clutter: Complexities of Border Security in the United States: Defining it is the Real Challenge." In Winston Davidson (Ed.), *Homeland Security: Perceptions, Threats and Challenges*. New York, NY: Nova Science Publishers: 37-77
- National Center for Border Security and Immigration. (2014). *Unaccompanied Alien Children Project*. El Paso, TX: NCBSI.
- Richiter, M. & Garza, L.M. (2015). "Texas Governor Extends National Guard Deployments to Monitor Border." *Reuters*, December 15, 2015. <https://www.reuters.com/article/texas-immigration/texas-governor-extends-national-guard-deployments-to-monitor-border-idUSL1N14501F20151216>
- U.S. Bureau of Transportation Statistics. (2020). "Border Crossing and Entry Data." <https://www.bts.gov/content/border-crossingentry-data>
- U.S. Census Bureau. (2020). "Trade in Goods with Mexico." <https://www.census.gov/foreign-trade/balance/c2010.html>
- U.S. Government Accountability Office. (2013). "Southwest Border Security: Data are Limited and Concerns Vary about Spillover Crime along the Southwest Border." *Government Accountability Office*. Report Number 13-175: Washington D.C.